

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**ADAM LANE,
ADC # 155843**

PLAINTIFF

v.

Case No. 4:20-cv-00553 KGB-JTK


**DEXTER PAYNE, Director,
Arkansas Department of Correction, *et al.***

DEFENDANTS

ORDER

Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 33). No objections have been filed, and the time to file objections has passed. After careful consideration, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted as this Court's findings with minor modification (Dkt. No. 33). The Court adopts Judge Kearney's findings of fact and conclusions of law with respect to plaintiff Adam Lane's claims against separate defendant Justin Powell and grants Mr. Powell's motion for summary judgment (Dkt. No. 28). By prior Order, the Court dismissed without prejudice Mr. Lane's claims against all defendants other than Mr. Powell (Dkt. No. 25). For this reason, the Court declines to adopt Judge Kearney's recommendation that Mr. Lane's complaint be dismissed with prejudice. Instead, the Court dismisses Mr. Lane's claims against Mr. Powell with prejudice and dismisses without prejudice Mr. Lane's remaining claims against all remaining defendants (Dkt. Nos. 2, 25, 33). The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

It is so ordered this 28th day of February, 2022.



Kristine G. Baker
United States District Judge